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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,056	09/18/2003	Huaichuan Hubert Jin	BBNT-P02-283	5478
28120	7590	09/26/2005	EXAMINER	
FISH & NEAVE IP GROUP ROPES & GRAY LLP ONE INTERNATIONAL PLACE BOSTON, MA 02110-2624			MOFIZ, APU M	
			ART UNIT	PAPER NUMBER
			2165	

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/665,056

Applicant(s)

JIN ET AL.

Examiner

Apu M. Mofiz

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 28-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-41 and 53-56 is/are allowed.
- 6) ☒ Claim(s) 42-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Applicant's arguments filed July 27, 2005 with respect to claims 28-56 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 42-52 are rejected under 35 U.S.C. 101 for failing to limit the claim to statutory subject matter.

Claims 42-52 are not limited to tangible embodiments. In view of Applicant's disclosure, specification Page 17, Lines 27-29 the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., RAM, ROM, Hard Disk) and intangible embodiments (e.g., carrier waves, acoustic, RF, infrared, etc.). As such, the claim is not limited to statutory subject matter and is therefore non-statutory. Applicant may overcome the objection by further specifying the claim language to indicate "a computer readable storage medium" in place of "a computer readable medium" to thereby limit the scope of the claimed invention to a tangible medium.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 42 recites the limitation "the computer environment" in line 7. There is insufficient antecedent basis for this limitation in the claim.

***Allowable Subject Matter***

6. Claims 28-41 and 53-56 are allowed over the prior art of record.

Regarding Independent claims 28, 53 and 56, Applicant's particular method facilitated by a human annotator and performed in a computer environment for normalizing a score associated with a document, which includes (a) establishing (1) through the computer environment a set of training documents most of which are believed not to be relevant to a topic (off-topic) and (2) through the human annotator a query relevant to the topic (on-topic); (b) assigning, through the computer environment, a training document relevance score to each one of the training documents, each training document relevance score representing a measure of relevance of its respective document to the topic; (c) determining, through the computer environment, statistics relating to all training document relevance scores and thereby obtaining determined statistics; (d) receiving a testing document; (e) calculating, through the

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computer environment, a score of relevance of the testing document to the topic to obtain a testing document relevance score; (9) normalizing, through the computer environment and based on the statistics, the testing document relevance score to obtain a normalized score wherein; normalizing adjusts the testing document relevance score based on the statistics to be comparable to other scores from which the statistics were determined, and the normalized score is a better predictor of probability of the testing document being relevant than the testing document relevant score; (g) establishing, through the computer environment, a threshold score representing a relevance threshold for the topic; (h) comparing the normalized score to the threshold score to obtain a comparison; and (i) designating the testing document as relevant or not relevant to the topic based on the comparison in combination with other limitations of the claims, was not disclosed by, would not have been obvious over, nor would have been fairly suggested by the prior art of record.

### ***Points of Contact***


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Apu M. Mofiz whose telephone number is (571) 272-4080. The examiner can normally be reached on Monday – Thursday 8:00 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached at (571) 272-4146. The fax numbers for the group is (571) 273-8300.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.



Apy M. Mofiz  
Primary Patent Examiner  
Technology Center 2100

September 21, 2005